

Before the  
Washington, D.C. 20554

In the Matter of )

Amendment of Section 73.202(b), )

Table of Allotments, )

FM Broadcast Stations. )

(St. Albans and Grand Isle, Vermont, and )

Tupper Lake, New York) )

MB Docket No. 05-3

RM-11132

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: June 22, 2005**

**Released: June 24, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* ("Notice")<sup>1</sup> issued in response to a Petition for Rule Making filed by Champlain Communications Corp. ("Petitioner"), licensee of Station WLFE-FM, Channel 272A, St. Albans, Vermont. Petitioner filed comments expressing its intent to implement its rulemaking requests. Radio Lake Placid, Inc., licensee of FM Station WRGR, Tupper Lake, New York, filed comments supporting Petitioner's requests. No counterproposals or other comments were filed. For the reasons stated below, we grant Petitioner's rulemaking petition.

2. At the request of Petitioner, the *Notice* proposed that Channel 272A, Station WLFE-FM, St. Albans, Vermont, be upgraded to Channel 272C3, that Channel 272C3 be reallocated from St. Albans to Grand Isle, Vermont, and that Station WLFE-FM's license be modified to reflect these changes. To accommodate the foregoing changes for Station WLFE-FM, Petitioner proposed that Station WRGR(FM) ("WRGR") substitute Channel 271C3 for Channel 272A and move its transmitter to a new site. The licensee of Station WRGR has agreed to effectuate the foregoing accommodating changes to its station if Petitioner's rulemaking proposal is granted. Petitioner made its requests to reallocate Channel 272C3, Station WLFE-FM, pursuant to Section 1.420(i) of the Commission's rules,<sup>2</sup> which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.<sup>3</sup> In considering a reallocation proposal, we compare the existing allotment to the proposed allotment to determine whether the reallocation will result in a preferential arrangement of allotments. This determination is based upon the FM allotment priorities.<sup>4</sup>

<sup>1</sup> *St. Albans and Grand Isle, Vermont and Tupper Lake, New York*, 20 FCC Rcd 393 (MB 2005).

<sup>2</sup> 47 C.F.R. § 1.420(i).

<sup>3</sup> See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

<sup>4</sup> See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service and (4) other public interest matters. Equal weight is given to priorities (2) and (3).

3. We find that Petitioner's reallocation request would result in a preferential arrangement of allotments because grant of that request would provide Grand Isle, Vermont with its first local aural transmission service. In addition, the reallocation of Channel 272C3 to Grand Isle would not deprive St. Albans, Vermont of its sole local transmission outlet, because St. Albans would retain local service from AM Station WRSA. Lastly, the new service area of Channel 272C3 at Grand Isle will result in a net gain over Station WLFE-FM's current service area of 110,949 persons and 2,285 square kilometers. Therefore, in accordance with the provisions of Section 1.420 (i) of the Commission's rules,<sup>5</sup> we will grant Petitioner's channel upgrade and reallocation requests. In addition, we shall allow Radio Lake Placid, Inc. to substitute Channel 271C3 for Channel 272A at Station WRGR and allow Station WRGR to move its transmitter to a new site, because these changes will accommodate Petitioner's requests and also provide radio broadcast service to a greater service area.

4. Consistent with the technical requirements of the Commission's rules, Channel 272C3 can be allotted to Grand Isle, Vermont, Indiana, utilizing coordinates of 44-44-07 NL and 73-30-57 WL, with a site restriction of 17.4 kilometers (10.8 miles) west of Grand Isle. Further, Channel 271C3 can be allotted to Tupper Lake, New York, utilizing coordinates of 44-07-21 NL and 74-31-52 WL, with a site restriction of 12.6 kilometers (7.8 miles) southwest of Tupper Lake. The reference coordinates for Grand Isle and Tupper Lake are located within 320 kilometers (199 miles) of the U.S.-Canadian border. Although Canadian concurrence has been requested, notification of Canadian approval has not been received. If construction permits for Channel 272C3 at Grand Isle, Vermont, and/or Channel 271C3 at Tupper Lake are granted prior to receipt of formal concurrence by the Canadian government, the authorizations will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-United States FM Broadcast Agreement, or if specifically objected to by Industry Canada."

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).

6. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective August 8, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Grand Isle, Vermont	272C3
St. Albans, Vermont	-----
Tupper Lake, New York	271C3

7. IT IS FURTHER ORDERED, that the Petition for Rule Making filed by Champlain Communications Corp. IS GRANTED.

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<sup>5</sup> 47 C.F.R. § 1.420(i).

8. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Champlain Communications Corp., for Station WLFE-FM, St. Albans, Vermont, IS MODIFIED to specify operation on Channel 272C3 at Grand Isle, Vermont, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

9. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Radio Lake Placid, Inc. for Station WRGR(FM), Tupper Lake, New York, IS MODIFIED to specify operation on Channel 271C3 at Tupper Lake, New York, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

10. Champlain Communications Corp., licensee of Station WLFE-FM, and Radio Lake Placid, Inc., licensee of Station WRGR(FM), are required to submit a rule making fee in addition to the fee required for the application to effectuate the upgrade and change in community of license for Station WLFE-FM, from Channel 272A, St. Albans, Vermont, to Channel 272C3, Grand Isle, Vermont, and also for the application to effectuate the upgrade and transmitter site change for Station WRGR(FM), from Channel 272A, Tupper Lake, New York, to Channel 271C3, Tupper Lake, New York, at the time they submit their Form 301 applications.

11. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

12. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

**John A. Karousos  
Assistant Chief,  
Audio Division  
Media Bureau**